



Application No. 09/866,652
Filed May 30th 2001

Applicant: Tommaso Innocenti
Customer No. 53373

PETITION UNDER 37 CFR SECTION 1.137(a)

1. Applicant and petitioner in the above identified application for U.S. Utility Patent respectfully petitions the Commissioner of Patents under 37 CFR 1.137(a) to revive said application from abandonment for unavoidable delay due to error on the part of the Office evident in the Notice of Abandonment in said application, copy enclosed on two sheets, in failing to recognize that a decision by the Board of Appeals containing new grounds of rejection may properly be responded to under 37 CFR 41.50(b) in submission of amendment to the claims reopening prosecution.

2. Petitioner respectfully submits, in accordance with 37 CFR 1.137(a)(1) & (2), respectively, that:

- a. the original "reply": i.e. 'Submission of Amendment to the Claims Under 37 CFR 41.50(b) Reopening Prosecution' on 23 sheets; "to the outstanding Office action or Notice"; and
 - b. the fee specified under 37 CFR 1.17(l);
- are both enclosed.

3. Petitioner respectfully submits, in accordance with 37 CFR 1.137(a)(3), that the entire delay in the present filing, as further explained directly below, from the due date for the reply to the Board Decision was unavoidable.

Adjustment date: 09/14/2007 CK4LOK
08/21/2007 TNGUYEN2 00000036 09866652
-250.00 OP

continued

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DAC. /B

Peter O'Donovan Gibson
Via del Muschio 12, Int. 2
58043 Castiglione d. Pescaia (GR) Italy

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia (VA) 22313-1450

April 23rd 2007

Re: Application No. 09/866,652
Appeal: 2007-0366
Technology Center 3600
In Re Tommaso Innocenti

Dear Sir/Madam,

Following please find the below described materials relating to the above identified application for patent under appeal:

- | | |
|--|------------|
| 1. Letter of Transmittal on: | 1 sheet; |
| 2. Certificate of Facsimile Transmission on: | 1 sheet; |
| 2. 'Submission of Amendment to the Claims Under 37 CFR 41.50(b) Reopening Prosecution' on: | 8 sheets; |
| 3. 'Amendment Under 37 CFR 41.50(b): Claims - Remarks' on: | 2.sheets; |
| 4. 'Amendment Under 37 CFR 41.50(b): Claims Listing' on: | 11 sheets; |

Total: 23 sheets.

Please file the above listed materials in the above identified application for patent under appeal and thank you kindly for your service;

Respectfully yours,

Peter Gibson, Reg. #34,605

Peter Gibson, Reg. #34,605

TO did not receive the following
Item(s) received as is

Ph./Fax: 39 0564 93 6500

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND																																																					
1 Date of Request: <u>9/13/2007</u>		2 Serial/Patent # <u>09/866,652</u>																																																			
3 Please refund the following fee(s): <table border="1" style="width:100%; border-collapse: collapse; margin-top: 5px;"> <tr><td style="width: 10%;"></td><td style="width: 40%;">Filing</td><td style="width: 10%;">4 PAPER NUMBER</td><td style="width: 10%;">5 DATE FILED</td><td style="width: 30%;">6 AMOUNT</td></tr> <tr><td></td><td>Amendment</td><td></td><td></td><td>\$</td></tr> <tr><td></td><td>Extension of Time</td><td></td><td></td><td>\$</td></tr> <tr><td></td><td>Notice of Appeal/Appeal</td><td></td><td></td><td>\$</td></tr> <tr><td><input checked="" type="checkbox"/></td><td>Petition</td><td></td><td><u>8/20/07</u></td><td>\$ <u>250</u></td></tr> <tr><td></td><td>Issue</td><td></td><td></td><td>\$</td></tr> <tr><td></td><td>Cert of Correction/Terminal Disc.</td><td></td><td></td><td>\$</td></tr> <tr><td></td><td>Maintenance</td><td></td><td></td><td>\$</td></tr> <tr><td></td><td>Assignment</td><td></td><td></td><td>\$</td></tr> <tr><td></td><td>Other</td><td></td><td></td><td>\$</td></tr> </table>		Filing	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT		Amendment			\$		Extension of Time			\$		Notice of Appeal/Appeal			\$	<input checked="" type="checkbox"/>	Petition		<u>8/20/07</u>	\$ <u>250</u>		Issue			\$		Cert of Correction/Terminal Disc.			\$		Maintenance			\$		Assignment			\$		Other			\$	7 TOTAL AMOUNT OF REFUND \$ <u>250</u>		
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